ORDINANCE NO.	

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 11421-11717 SOUTH IH-35 SERVICE ROAD NORTHBOUND AND CHANGING THE ZONING MAP FROM INTERIM-RURAL RESIDENCE (I-RR) DISTRICT TO RURAL RESIDENCE-CONDITIONAL OVERLAY (RR-CO) COMBINING DISTRICT FOR TRACT ONE AND MULTIFAMILY RESIDENCE LOW DENSITY-CONDITIONAL OVERLAY (MF-2-CO) COMBINING DISTRICT FOR TRACT TWO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in Zoning Case No. C14-06-0191, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: From interim-rural residence (I-RR) district to rural residence-conditional overlay (RR-CO) combining district.

A 39.371 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: From interim-rural residence (I-RR) district to multifamily residence low density-conditional overlay (MF-2-CO) combining district.

A 48.513 acre tract of land, more or less, out of the Santiago del Valle Grant in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance (the "Property"),

locally known as 11421-11717 South IH-35 Service Road Northbound, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

1 2	PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:						
3 4 5 6 7	A.	AME IN A MARKET AND THE PARTY OF THE PARTY O					
8 9 10	В.		hall not exceed 12 dwelling units per acre.				
11 12 13	Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and						
14 15 16	PART 3.	Γhis ordinance takes effect on	n	07.			
17 18 19		AND APPROVED					
20 21 22		, 2007	§ § §				
23 24 25			Will Wynn Mayor				
26 27	APPROVI	ED:	ATTEST:Shirlay A. Contra				
28 29		City Attorney	Shirley A. Gentry City Clerk				

EXHLIBIT A

39.371 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 87.884 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD.. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006139690 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an "X" found cut in rock at the Northwest corner of said 87.884 acre tract, being in the East r.o.w. line of Interstate Hwy 35 South, being in the approximate centerline of Onion Creek for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of said 87.884 acre tract, being along the approximate centerline of Onion Creek for the following courses:

S 73°04'00" E for a distance of 450.65 feet to an angle point

S 74°19'00" E for a distance of 334.57 feet to an angle point

S 57°11'00" E for a distance of 216.95 feet to an angle point

S 72°26'00" E for a distance of 402.24 feet to an angle point

S 76°51'00" E for a distance of 357.17 feet to an angle point

S 39°52'00" E for a distance of 114.70 feet to an angle point

S 57°41'30" E for a distance of 308.12 feet to an angle point

S 00°49'00" E for a distance of 131.00 feet to an angle point

S 25°09'00" E for a distance of 206.00 feet to an angle point

S 53°57'45" E for a distance of 249.20 feet to the Northeast corner of said 87.884 acre tract:

THENCE along the East line of said 87.884 acre tract, S 42°25'57" E for a distance of 55.37 feet to a ½ inch iron pin found and S 29°42'53" W for a distance of 512.91 feet to a point for the Southeast corner hereof;

THENCE along the South line of the herein described tract for the following courses:

N 65°57'30" W for a distance of 176.48 feet to an angle point

N 59°48'03" W for a distance of 374.42 feet to an angle point

N 55°10'17" W for a distance of 161.58 feet to an angle point

39.371 ACRES OF LAND – Page Two

N 51°20'01" W for a distance of 153.69 feet to an angle point

N 47°29'45" W for a distance of 323.25 feet to an angle point

N 50°46'54" W for a distance of 87.23 feet to an angle point

N 53°25'02" W for a distance of 88.35 feet to an angle point

N 59°09'32" W for a distance of 82.01 feet to an angle point

N 63°51'28" W for a distance of 148.01 feet to an angle point

N 65°23'52" W for a distance of 171.53 feet to an angle point

N 69°14'32" W for a distance of 285.94 feet to an angle point

N 68°04'23" W for a distance of 178.86 feet to an angle point

N 66°36'08" W for a distance of 311.95 feet to a point in the West line of said 87.884 acre tract, being in the East r.o.w. line of Interstate Hwy 35 South, for the Southwest corner hereof;

R NO. 4094

THENCE along the West line of said 87.884 acre tract, being along the East r.o.w. line of Interstate Hwy 35 South, N 20°25'54" E for a distance of 537.71 feet to the PLACE OF BEGINNING and containing 39.371 acres of land, more or less.

SURVEYED BY:

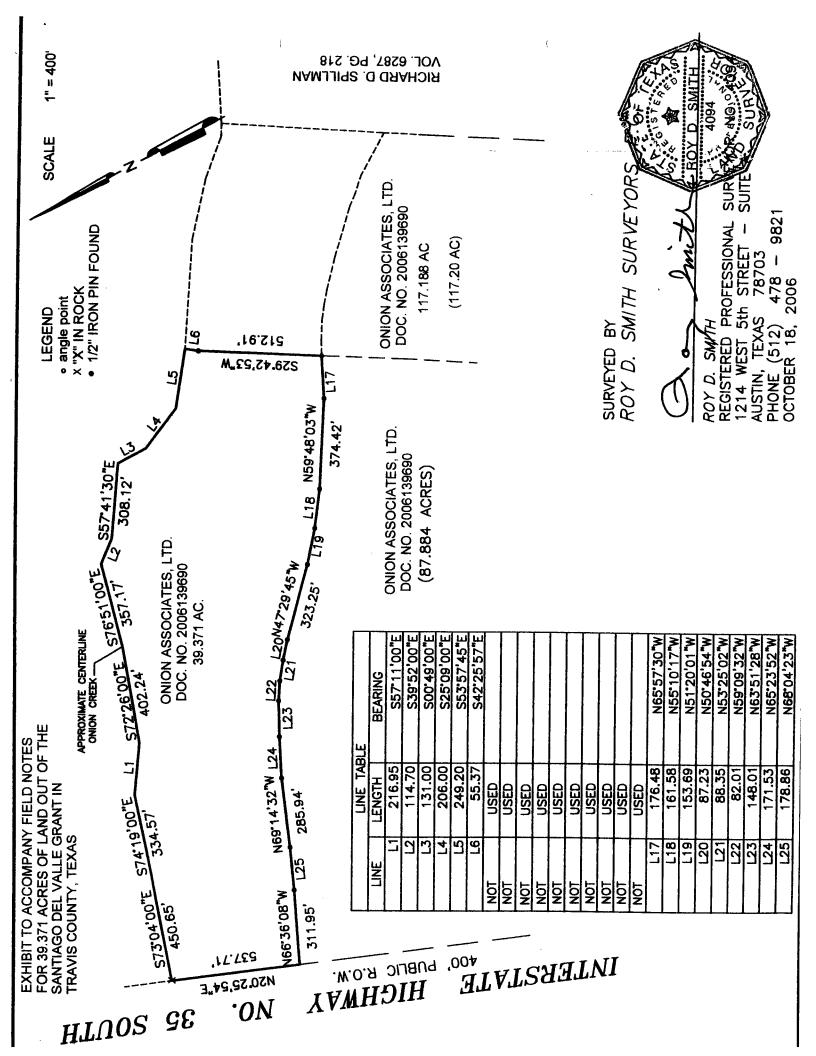
Roy D. Smith Surveyors, P.C.

ROY Ø. SMITH

REGISTERED PROFESSION

October 18, 2006

39.371ac. - Onion Assoc.



C14-06-0191 TRACT 2

48.513 ACRES OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 87.884 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006139690 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch capped iron pin set at the Southwest corner of said 87.844 acre tract, being in the East r.o.w. line of Interstate Hwy 35 South for the PLACE OF BEGINNING hereof;

THENCE along the West line of said 87.884 acre tract, being along the East r.o.w. line of Interstate Hwy 35 South, N 20°25'54" E for a distance of 962.06 feet to a point for the Northwest corner hereof;

THENCE along the North line of the herein described tract for the following courses:

S 66°36'08" E for a distance of 311.95 feet to an angle point

S 68°04'23" E for a distance of 178.86 feet to an angle point

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S 51°20'01" E for a distance of 153.69 feet to an angle point

S 55°10'17" E for a distance of 161.58 feet to an angle point

S 59°48'03" E for a distance of 374.42 feet to an angle point

S 65°57'30" E for a distance of 176.48 feet to a point in the East line of said 87.884 acre tract for the Northeast corner hereof;

THENCE along the East line of said 87.884 acre tract, S 29°42'53" W for a distance of 361.49 feet to a ½ inch iron pin found and S 30°58'12" E for a distance of 281.26 feet to a ½ inch iron pin found at the Southeast corner of said 87.884 acre tract;

48.513 ACRES OF LAND - Page Two

THENCE along the South line of said 87.884 acre tract for the following courses:

N 71°11'45" W for a distance of 712.31 feet to a 1/2 inch iron pin found

N 71°03'33" W for a distance of 173.66 feet to a ½ inch iron pin found

N 67°01'32" W for a distance of 678.95 feet to a ½ inch iron pin found

N 33°32'38" W for a distance of 145.29 feet to a 1/2 inch iron pin found

N 71°03'16" W for a distance of 698.93 feet to the PLACE OF BEGINNING and containing 48.513 acres of land, more or less.

SURVEYED BY:

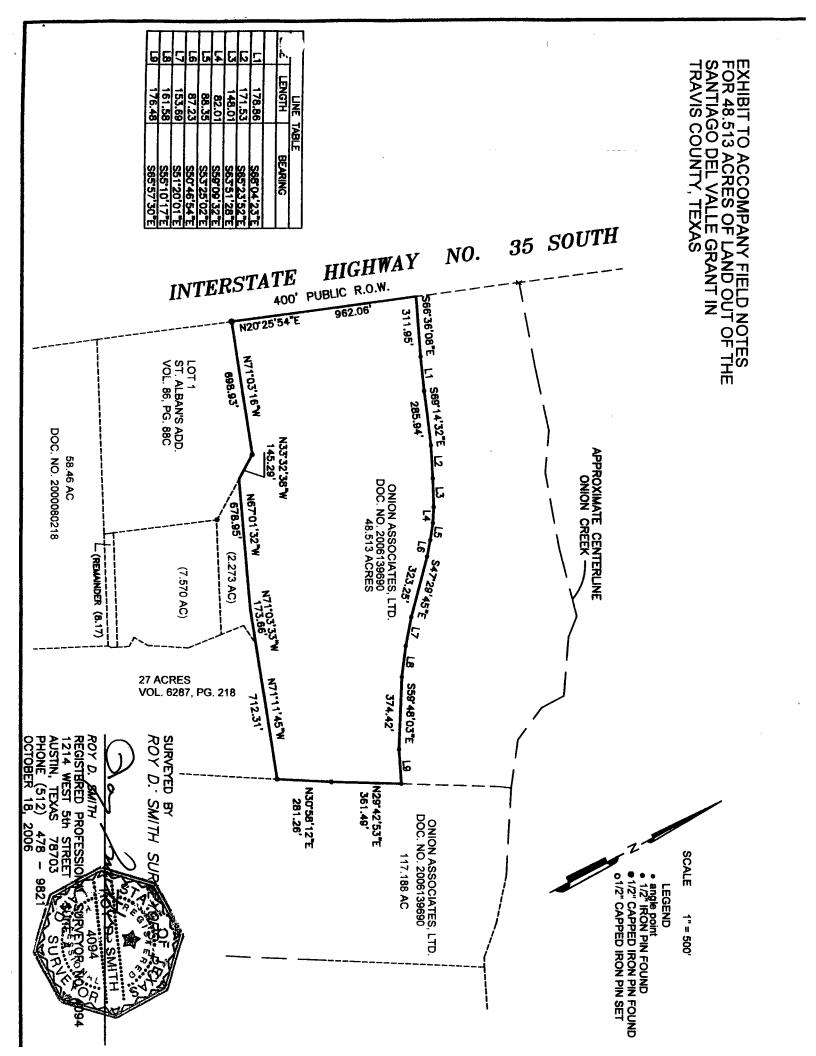
Roy D. Smith Surveyors, P.C.

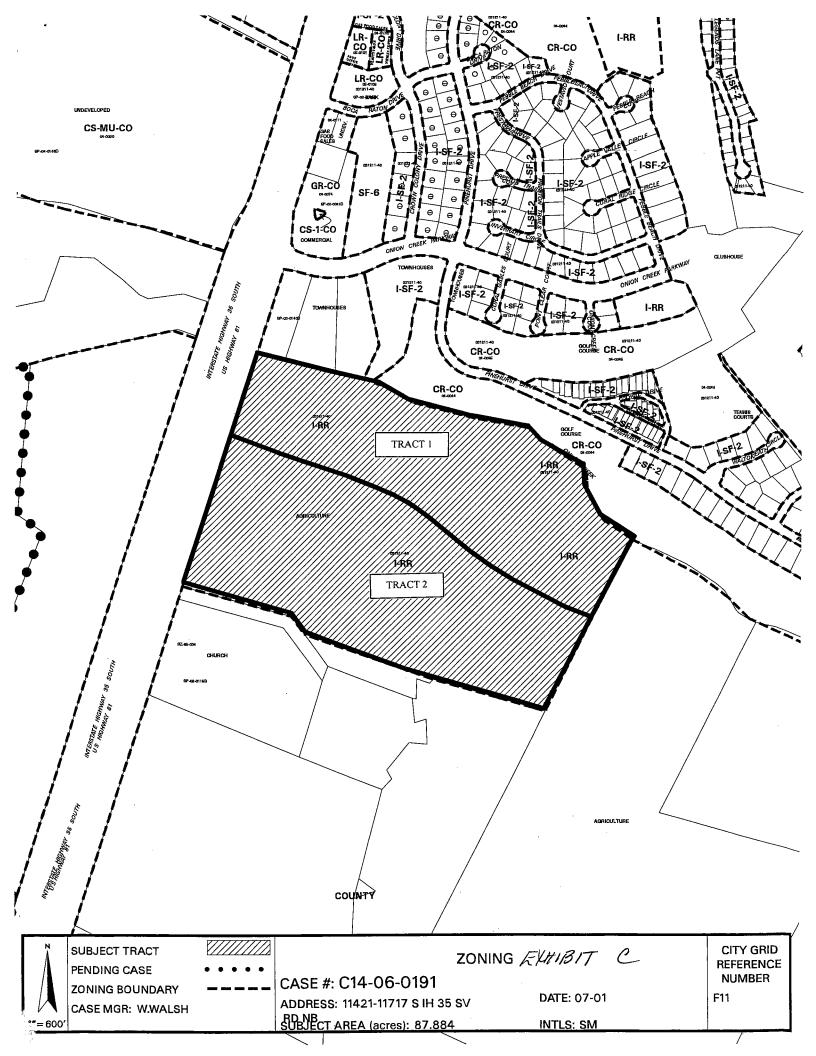
ROY D. SMITH

REQISTERED PROFESS

October 18, 2006

48.513 ac. - Onion Assoc.





RESTRICTIVE COVENANT

OWNER:

Onion Associates, Ltd., a Texas limited partnership

ADDRESS:

4131 Spicewood Springs Road, Suite H1, Austin, Texas 78759

CONSIDERATION:

Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and

sufficiency of which is acknowledged.

PROPERTY:

Being 87.884 acres of land, more or less, comprised of a 39.371 tract and a 48.513 tract of land out of the Santiago del Valle Grant, in the City of Austin, Travis County, the tracts of land being more particularly described by metes and bounds in Exhibits "A" and "B" attached and incorporated

into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

- A site plan or building permit for the Property may not be approved, released, or issued, if 1. the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property specified in that certain Traffic Impact Analysis (the "TIA") prepared by John F. Hickman and Associates, dated August 2006, or as amended and approved by the Director of the Watershed Protection and Development Review Department, or its successor department, of the City of Austin. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated January 25, 2007. The TIA shall be kept on file at the Watershed Protection and Development Review Department, or its successor department, of the City of Austin.
- If any person or entity shall violate or attempt to violate this agreement and covenant, it 2. shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
- 3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.

- 4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

time of such modification, amen	dment or t	ermination.	
EXECUTED this the 14	day of	APRIL	_, 2007.
	owi	NER:	
		on Associates, Ltd., kas limited partnership	
	By:	Onion ASGP, Inc., a Texas corporation	

Bruce T. Morrison, President

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

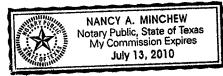
THE STATE OF TEXAS

Ş

COUNTY OF TRAVIS

Ş

This instrument was acknowledged before me on this the <u>Ith</u> day of <u>APRIL</u>, 2007, by Bruce T. Morrison, President of Onion ASGP. Inc., a Texas corporation, General Partner of Onion Associates, Ltd., a Texas limited partnership, on behalf of the limited partnership.



After Recording, Please Return to: City of Austin Department of Law P. O. Box 1088 Austin, Texas 78767

Attention: Diana Minter, Paralegal

C14-06-0191 TRACT 1

FIELD NOTES FOR

39.371 ACRES OF LAND

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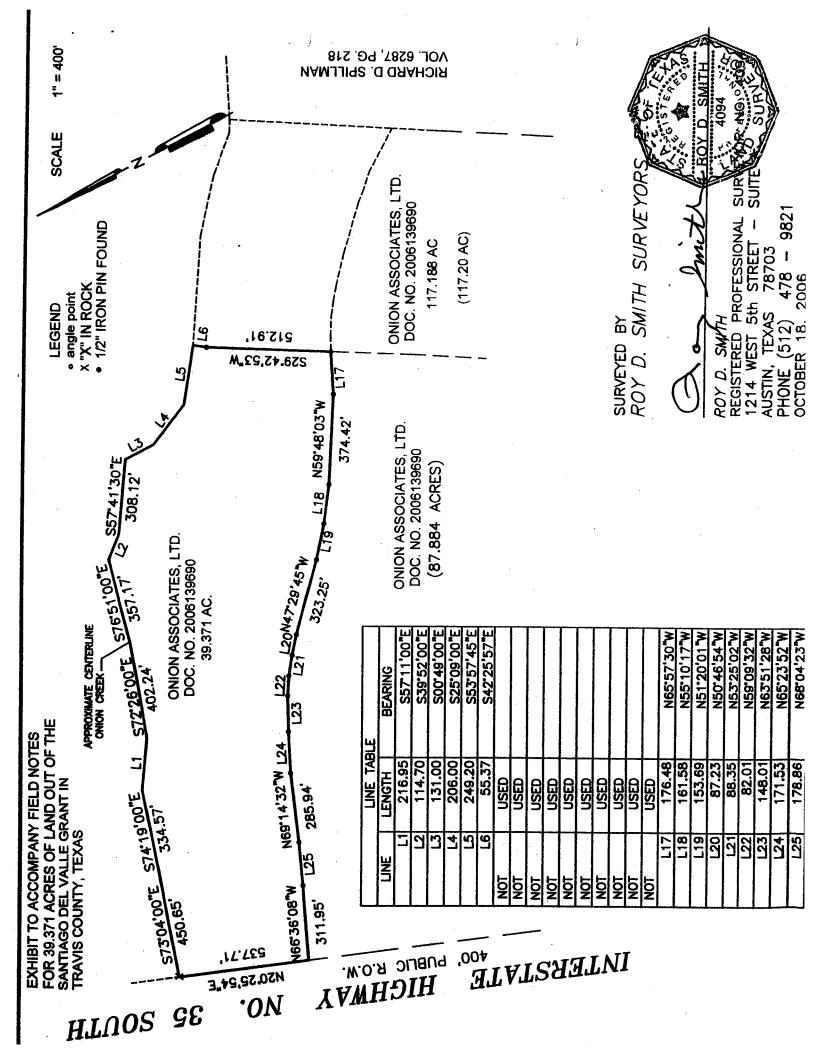
ROY D. SMITH

REGISTERED PROFES

October 18, 2006

39.371ac. - Onion Assoc.

NO. 4094



48.513 ACRES OF LAND

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N 67°01'32" W for a distance of 678.95 feet to a ½ inch iron pin found

N 33°32'38" W for a distance of 145.29 feet to a ½ inch iron pin found

N 71°03'16" W for a distance of 698.93 feet to the PLACE OF BEGINNING and containing 48.513 acres of land, more or less.

SURVEYED BY:

Roy D. Smith Surveyors, P.C.

ROY D. SMITH

REQISTERED PROFESS

October 18, 2006

48.513 ac. - Onion Assoc.

O. 4094

